

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GAIL BILYEU

Defendant.

2:09-CR-477-KJD(RJJ)

ORDER OF FORFEITURE

On June 8, 2010 (Docket #33), Defendant GAIL BILYEU pled guilty to all Counts of a Seven Count Criminal Indictment charging her in Count One with Conspiracy to Commit Wire Fraud and Mail Fraud in violation of Title 18, United States Code, Section 1341, 1343 and 1349, and charging her in Counts Two through Seven with Wire Fraud in violation of Title 18, United States Code, Sections 1343 and 1349.

The Court finds that proceeds obtained directly or indirectly from the crimes of conviction total \$2,654,000 and orders that GAIL BILYEU shall pay a criminal forfeiture money judgment in that amount payable in United States Currency to the United States of America, pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Title 18, United States Code 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 982(a)(2)(A); and Title 21, United States Code, Section 853(p).

Set off is not required for amounts recouped by the lending institution. U.S. v. Boulware, 384 F.3d 794, (9th Cir. 2004), U.S. v. Huber, 404 F.3d 1047, (8th Cir. 2005); U.S. v. Pelullo, 961 F. Supp 159 (D.N.J. 1997), reconsideration denied 971 F.Supp.159, motion to vacate denied 5

1 F.Supp. 2d 285, affirmed 185 F3d 863, cert. denied, 528 U.S. 1096, denial of post conviction relief
2 affirmed and remanded 399 F.3d 197, as amended, cert. denied 126 S.Ct. 1141.

3 **THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the
4 United States recover from GALE BILYEU a criminal forfeiture money judgment in the amount of
5 \$2,654,000.00 in United States Currency.

6 DATED: February 8, 2011.

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UNITED STATES DISTRICT JUDGE